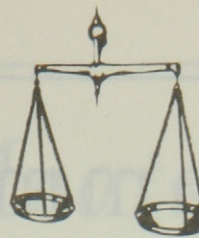


Quid Novi



VOL. III. NO. 8

MCGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

October 27, 1982
27 octobre, 1982

So you don't know why you were picked for McGill. Quid Novi goes behind the scenes to uncover the working method of the Admissions Committee. It's known as:

Eeny Meeny Miny Moe

by Pearl Eliadis and
Demetrios Xistris

Why were you let into law school? Your grades? Your LSATs? Or your personal charisma? The answer is all or none of the above.

The McGill Admissions Committee consists of fourteen members, two of whom are *ex officio* (Dean Brierley and Associate Dean Macdonald). After speaking with five professors who are presently on the Committee, it became apparent that the criterion of diversity favoured by many of the Com-

mittee members is also reflected in the disparity among some of their views.

Each staff member is given a nineteen point list. Prof. Baker is impressed by students from unexpected areas of Canada and the world, stating that "geographic diversity" is a criterion of importance to him. Prof. Bridge, the Committee Chairman for Common Law, seemed to share this view, adding that the faculty is not merely a hybrid of civil and common law students, but should be something more. Prof. Sklar, however, would

give greater priority to academic performance than to geographic diversity when it comes to the crunch. He pointed out that the law school is in a competitive market for the best students, somewhat like the "baseball free agent" sweepstakes.

Grades are, of course, an important factor as we all know, but more controversial is the exact use of the LSATs. Prof. Baker tends to use the scores when the marks are very high or low, whereas Prof. Macdonald seemed to emphasize the low scores mostly as a diagnostic tool.

LSA Council

Budgetary Hassles

by Joseph Rikhof

The LSA Council had a lively meeting on Oct. 19, although only 9 of 14 members were present (even the LSA president was not there), just enough for a quorum. The meeting had a surprise ending when Mark

Dresser, who was defending the LSA budget, walked out and broke quorum after Council voted to table the LSA budget.

Controversy arose when Dresser suggested that some requests had been extravagant and had to be reduced. In particular, he was critical of Forum National's request for \$600 from the LSA. The group's \$2150 budget, of which \$1150 is to come from Dean Brierley and \$400

Normally, the only students who are interviewed are CEGEP students and mature students. Prof. Sklar offered an interesting proposal that the committee take a course in interviewing techniques since this is a distinct discipline in its own right. This way the interviews would become more effective and efficient evaluators of the candidate.

Generally there was no acknowledgement of any failure in the admissions office. Complaints that they were overburdened brought responses like

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YOUR WEEKLY SMILE

Around here, 60% is a pass and 60% is a great mark.

LAW LIBRARY

NOV 1982

MCGILL UNIVERSITY

Joining Community Groups

by Todd Sloan

It is respectfully submitted that "public advocacy" or "social interest" groups -- call them what you will -- are an increasingly apparent phenomenon in our late 20th century political system. I won't go into a long argument as to why I think this is so -- whether it stems from diffusion of ideologies, increased schooling or education, more non-working hours, greater access to information, disenchantment with the party system, or simply the realization that the more traditional interest groups have achieved gains through lobbying. What I believe is pertinent to us as law students is that such groups are becoming more numerous and more vocal. As such they represent a potential element of our future practice, and a present opportunity both to become involved in the community (not "the community" where the reasonable man lives, the real community) and, at the same time, to get a little practical experience with what we write in our little notebooks every day.

This week and in subsequent issues I plan to provide a sampling of some of the groups which might interest you. Naturally the organizations I select will reflect my own interests, but nothing prevents you from submitting your own ideas to the Quid.

Participation in such groups can be useful and even fun. I hope you'll look into a couple. This week:

TRANSPORT 2000

This organization was

established in the U.K. in 1960 to represent rail passengers and spread to Canada in the late 60's (Saskatchewan). Its goal is to defend the rights of passengers regarding access to effective, convenient, comfortable and affordable public transit. Transport 2000 is now a national organization with chapters in most provinces, of which Québec, Ontario and B.C. seem the most active sections.

The group represents passengers at all three levels of government, providing research documents and submissions before various legislative committees. Transport 2000 also assists transit users in defending their rights before transit commissions and similar bodies. It produces numerous press releases on issues and events in the field. Sub-groups with particular regional, modal or passenger-type interest are affiliated to Transport 2000 and receive its technical and financial support -- e.g. "Les Usagers du train Farnham-Montreal," "Le Comité des Usagers de la C.T.C.U.M.," "Le Comité des Usagers du transport adapté de la Rive Sud."

Legal Aspects: Transport 2000 is increasingly involved in representing passengers at the committee stage of legislative processes. Recently, for example, the group made a lengthy submission on the Quebec government's proposed reform of the Montreal regional transit organization. Transport 2000 also has a growing role in litigation before the Quebec and Canadian Transport Commissions and the Courts.

Membership: In Quebec, \$10

per year, \$5 for students. The dues include a subscription to the group's quarterly publication. For \$2 you can become a "membre sympathisant". For information phone 524-6149 or see Todd Sloan (BCL II; the old guy who works in the book store).

WANT WOMAN says W. Burrows

In a game that sent several NBA scouts scurrying to offer lucrative long-term contracts to certain law students, the Law B Basketball team (the Fighting Frankalmoigners) put on a fine show before hundreds of spectators at Currie Gym last Wednesday. From the start it was clear that player-coach John Webster's immensely talented but heretofore undisciplined group from the concrete jungles of Westmount and Bel-Air had come to play.

In the early going, Paul Dunn showed that his drives to the hoop would not be stopped by anything short of a full scale Soviet attack on the east coast. Abley abetted by the fine ball handling of Rick Elliott and Steve Krieger, the team of destiny seemed destined to win. But, alas, concern over moots and a gnawing fear that the perfect summary may not exist seemed to slow down the team in the second half. As their lead slowly evaporated, and as contracts were ripped from eager hands, each player knew that this was but a minor set-back and each swore a holy oath that they would be avenged and would restore honour and dignity to their names. Oh yes, the Flying Physiologist somehow scored 52 points to our 43.

First Year Moots: A Prophecy

by Erika Rosenfeld

The one lesson I took home from first year law was "doubt yourself". I remember the first day of classes when my student adviser said "expect C's" and "be grateful when you get B's".

My tutorial group met only to receive new assignments; the professor offered no positive feedback. We were thrust into a room full of rude librarians and ordered to write memos. Few succeeded.

Fear of failure is not a healthy attitude to engender in any professional. It encourages ulcers, heartburn, and unscrupulousness. Lawyers, in particular, should not be motivated by a fear of failure. If justice is to be worth seeking, then a lawyer must be willing to accept both profitable and unprofitable cases, to stick his neck out for a client, and to put his career on the line for a cause he believes in.

Fear of failure does not produce excellence. It engenders suspicion and avarice. It ends cooperation and causes impotence. The first year curriculum should be concerned with encouraging excellence. To this end, it should instill con-

fidence in the hapless would-be lawyer.

Watching second-year students during factum-writing week, it seemed that fear of failure had become the key motivation in the exercise. One student was on the verge of tears, and said "I'm ready to quit." Other looked hassled, frayed, defensive. Vying for precious abridgements and digests, we stalked each others' carrels hunting for that one elusive book that was always in the wrong place.

"You really learn who your friends and enemies are during moot week," I overheard someone say. "Not many people pass the test."

The atmosphere was noisy and feverish. The only way to remain uninfected was to go to the library during a lull, spend \$20 on photocopies, and head back home to read.

The factums were due at 5 p.m. I submitted mine at 4:57, and went home to read my factum in its entirety for the first time. I wept when I counted the typos and missing words, and realized that my utmost effort had produced such mediocrity.

Factum-writing shouldn't be such a disheartening experience. It needn't be spiritually uplifting; but at least it ought to be stimulating and fun. Otherwise the exercise doesn't encourage you to be a lawyer (unless you're a masochist).

What is the purpose of mooting? Is it intended to improve research skills and to teach us to stand fearlessly before a judge and plead a cause? Or is it just another hoop we have to jump through on our way out of here, serving no other purpose than to breed mistrust and doubt?

Hopes are high that this year's entering class will not succumb to mooting paranoia. The students seem to be motivated less by fear of failure, more by healthy curiosity. This means that something good is happening to McGill Law School. The admissions committee has done something right. The new tutorial program and staff probably also deserve some credit. Things are looking up. Maybe this means that the library washrooms will cease to be book repositories at mooting time, and carrels will not be erected as barricades against the civilized world.

The book store -- your bookstore -- needs volunteers. If you want lawbooks at a discount next year, how about volunteering to be one of the smiling, helpful directors.

No experience needed! You'll be a member of a small, collegial committee which will take over textbook ordering, casebook ordering, returns, and the

day-to-day operations of the store as of the beginning of next term. What's more, the old committee will be around to nurture your commercial skills with gems of wisdom gleaned from the past.

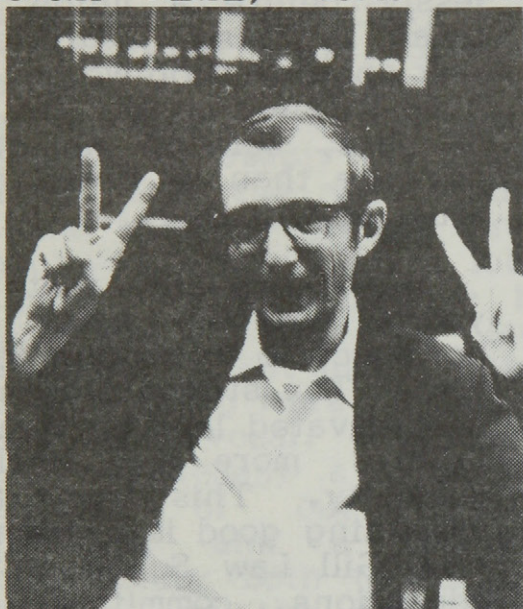
If you want to join this select group, drop your name and phone number in the envelope on the bookstore door within the next week. And remember: no directors, no books.

There will be a General Assembly at noon on Wednesday in the Moot Court. On the agenda is a Study Week for the fall term.

Joseph Vining, noted author and scholar of jurisprudence, will be in the Faculty this week as part of the Faculty's Visiting Professor program.

Quid Novi

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BRIERLEY BEWARE!
Harold Announces Candidacy
for Deanship

Editorial

More Action On Admissions

Not enough people take admissions policy seriously at McGill. It may be that as students we feel that we raise doubt about our own status at McGill when we ask harsh questions about Admissions. But the fact remains that Admissions is the lifeblood of any good law school. A poor and inefficient admissions office only serves to erode a school's standing. A vibrant and effective admissions office can help to improve it. At McGill we find ourselves slowly moving from the poor and inefficient to a better-organized admissions office. However, we still have a long way to go.

The root of the problem is the perception that Admissions is not important enough among some of the faculty for them to dedicate "constructive" time to it. Sure, professors give time to reading and evaluating files. After all, we have to admit a class to teach in the upcoming year. But this is not Admissions in its fullest sense. Admissions goes beyond files. For example, why are professors not speaking to undergraduates at various schools, promoting the merits of McGill's program? To get the best students, admissions policy has to be aggressive. Given our shrinking applicant pool, we do not see enough being done by the faculty and the Admissions Committee.

The end result is that if you neglect Admissions and can no longer attract your first-choice students, then you begin to develop a second-rate law school. Nobody here wants a second-rate law school. And I hope that noone wants to sit around and watch it happen.

Demetrios Xistris

LSA Council...

Cont'd from p. 3

from fundraising, included \$250 for taxi expenses and \$500 for lunch and a reception, the need for which Dresser questioned. Consequently, he advocated lowering the LSA contribution to \$300.

Opposition to the Budget

Richard Janda, who was at the meeting for Quid Novi, defended the Forum National budget in the absence of Alan Alexandroff, who had forwarded it. He began by questioning the declared revenue base of the LSA and the procedure which had been followed in framing the LSA

budget. In his opinion, the LSA budget was defective given that interest on the \$10,000 LSA term deposit was not included. Furthermore, he questioned the policy of not touching this deposit at all. He also noted that the financial statements of the previous executive showed higher receipts over 10 months than this year's proposal projected for the year. Regarding procedure, he suggested that club representatives should be asked to come to budget meetings and that criticisms of club budgets should be taken up with each group.

Suzanne Michaud, convinced that there were problems with the budget and that they could not be dealt with successfully until more people were present, proposed to postpone the meeting until the following week and to invite club representatives should be invited. This proposal was accepted after an amendment to discuss the Quid Novi proposal first was defeated. After the motion was accepted, the Treasurer left the meeting, quorum was lost, and the meeting adjourned.

Prior to the Storm

Before all this had happened, the meeting was ra-

LL.B. III President

Cont'd from p. 4

ther uneventful and centred on the submissions of the other clubs and activities. The Treasurer had begun by stating that it had been difficult to get submissions from clubs, even after the extension of the deadline from Oct. 12th to Oct. 19th. Furthermore, the LSA executive had changed the procedure for giving the money: the clubs would get two cheques -- one in October and one in January -- after having submitted, in December, a report of their activities in the first term.

After this general introduction, individual submissions were discussed. The Banquet was given \$1250, which would be about 1/3 of the expected costs. The rest would be covered by ticket sales. Social events, which had already cost \$683, but in future social events were supposed to be self-supporting.

It was proposed that the Moot Court be given \$400, although their proposal to change the student-faculty moot from the appeal to the trial level was considered to be "a nice idea but a little extravagant". The Job Bank had asked for \$750 to purchase the Osgoode Hall articling service, to mail questionnaires to law firms in Greater Montreal, and to invite some speakers. The LSA executive decided to allow \$500 conditional on the performance of the Job Bank this year given what was termed a "bad experience" last year.

It was proposed that the Sports Committee be given its full request of \$500 towards the \$1875 they need to cover their various activities.

Legal Aid requested \$205 to update their legal materials. The proposal was to

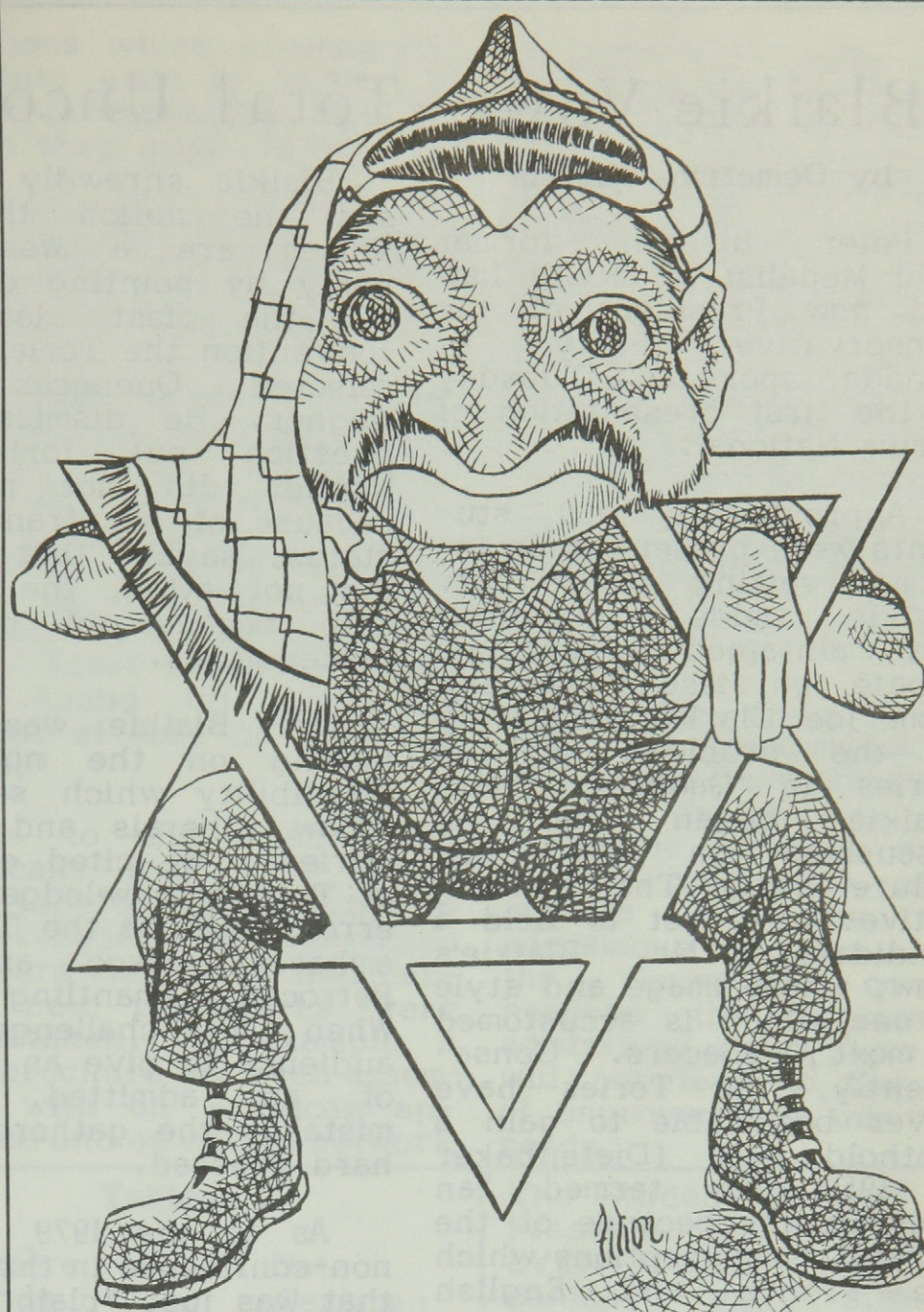
give \$160, the Treasurer suggesting that they should be able to receive more money from other sources, like the Students' Society.

Phi Delta Phi has asked for \$400, which was almost cut in half because according to Dresser, activities like a banquet for the PDP members or a donut-eating contest did not clearly benefit the entire law school community.

Women and the Law has requested \$710 and was offered \$510. Joanie Vance defended the group's budget and explained that this amount was high compared with last year because the group wanted to send three representatives to a bian-

nual Women's Conference in Victoria. They wanted the airfare of one of those representatives paid by the LSA. The other two would be funded by the Dean and fundraising activities.

Other items discussed on the agenda were the appointment of Christine Circelli as Program Board Director and the financial situation of the LSA per October 1, 1982, which showed a balance of \$10,564.62. In the last five months \$1,512.00 was spent over and above what was received. This financial statement was adopted by the Council after it was announced that the bank account was transferred from the Bank of Montreal to the City and Savings Bank.



Blaikie Vows «Total Uncommitted Support»

by Demetrios Xistris

Peter Blaikie, former Gold Medalist of McGill Law and now President of the Conservative Party of Canada, spoke last Tuesday in the first presentation of Forum National.

Approximately 100 students were present in an informal setting where Mr. Blaikie fielded questions and maintained a continual debate on issues ranging from Joe Clark's leadership to the problems of the Tories in Quebec. Mr. Blaikie began with a discussion on the Tory failure here. The Conservatives have yet to field a candidate, in Mr. Blaikie's view, whose image and style is one which is accustomed to most Quebecers. Consequently, the Tories have never been able to gain a foothold here (Diefenbaker in 1958 was termed "an aberration") because of the general misconceptions which the French and English sectors of the province have of the party.

Mr. Blaikie, as well, vigorously opposed the Prime Minister's views on economics and nationalism. He did not provide any concrete answers except for the standard rebuttals to issues like FIRA and the National Energy Program, and generally attacked the Liberals as a party of stagnant ideas (a result of 20 consecutive years in power) and hypothesized that it would not be a bad idea to change the parties in power every couple of terms. He even went so far as to suggest that Ontario's long-standing provincial Conservative party might be due for a change. This must rate as an honest assessment or a political ploy to get the federal Tories in power.

Blaikie shrewdly dismissed the notion that the Tories are a Westerners' party by pointing out that at the last leadership convention the Tories nearly selected Quebecer Claude Wagner. He dismissed the question put forth that Wagner did not make it because of his francophone status, saying that Wagner did not attain the leadership because of his own inadequacies.

Mr. Blaikie was illuminating on the notion of infallibility which seems to follow Liberals and escape Tories. He cited examples of Tory acknowledgement of errors such as the Tel Aviv embassy fiasco and the Petrocan dismantling policy. When he challenged the audience to give an example of an admitted Liberal mistake, the gathered were hard pressed.

As to the 1979 vote of non-confidence in the House, that was just "plain dumb". And when asked about the Prime Minister's show on CBC Mr. Blaikie replied that it reminded him of something he had read in the new Charter, namely "cruel and unusual punishment".

Blaikie did, however, address an essential element of Canadian politics today -- political polarization. He expressed a real fear that this may one day become institutionalized, and suggested that he would like to see more Liberals from the West and more Conservatives from the East.

Lastly, Mr. Blaikie dealt with the upcoming general meeting of the Conservatives in Winnipeg in January. He said that this would be a crucial test for the Clark forces, and predicted, in a discussion afterward, that

unless Clark could convince 70% of the delegates to vote against a leadership review, one would have to be called. He declined to comment on whether or not Mr. Clark was in trouble. When asked about his own ambitions, Mr. Blaikie said that he would not run for the presidency again and that he would return to his practice. However in a Freudian slip which may have revealed his own ambitions, Mr. Blaikie said that "as long as Joe Clark is leader he will have my total uncommitted, uh, unconditional support." This was the only gaff in a rather polished afternoon.

Law & Economics Professor Wins Nobel Prize

George J. Stigler, Professor of Law and Economics at the University of Chicago Law School, was awarded the Nobel Prize in Economics on 20 October of last week.

Stigler, along with a number of other legal and economic professors of Chicago Law School, was one of the pioneers of the law and economics movement, now a firmly established field of American legal education. The combined discipline seeks to examine legal questions using the tools of economic analysis.

Professor Stigler, born in 1911, received the prize at the age of 71. He is an active member of the Law School and University at Chicago where he maintains a full teaching load.

Admissions...

Cont'd from p. 1

admissions "is a cottage-like industry" (Prof. Baker) and admissions "is a human task" (Prof. Sklar). Most professors interviewed maintained that Admissions is pretty well organized.

However, when professors talk about admissions they are invariably talking about what kind of law school they envisage, which is entirely reflected by the quality of the student body. The character of the school is a mirror-image of the student body. Prof. Baker felt that this law school wants people who see law as a "public service calling." Prof. Bridge said that he does not want a "Chicago-type law school" because you do not "only want people thinking while they are on the conveyor belt." Prof. Bridge emphasized that "you need time to sit back and think." These are both re-

flections which undoubtedly go into each of those respective committee members when they study files.

Prof. Macdonald on the other hand is an ex officio member of the committee and he "rarely sees files" unless some "parent calls up in August" inquiring why his or her child was not admitted or unless "some judge calls up" to lobby his case. Prof. Macdonald is more involved in re-admission which he suggests should be handled by a smaller group. Prof. Baker seems to agree. "We spend an inordinate amount of time on readmissions."

As to the small sized applicant pool that McGill has (approximately 1200 on an average) the Committee members mentioned that certain new procedures were undertaken. For example, a new brochure has been assembled with an American approach and an alumni network

is presently being established (presumably so) in cities across Canada to inform students about McGill and its National Program. The size of the applicant pool is a source of concern to the Admissions Committee since a decline represents lesser numbers of quality students to choose from while an increase can only improve the quality of the student body. Stagnating figures like those which the committee has had over the past few years only represents a zero-growth situation.

In the end, it seems that the Admissions Committee has been hiding some of its drawbacks. The Committee members seem to discuss only the positive aspects of the whole admissions process. Until the Committee confronts head-on the problems in admissions policy, its work will not lead to the kinds of improvements this school needs.

Réflexions

Cont'd from p. 8

L'horaire des examens est déterminé par la première période d'enseignement de chaque cour. Les cours ayant leur première période d'enseignement jour 1, cour 1 auraient leur examen dans la matinée de la première journée des examens; les cours ayant leur première période d'enseignement jour 1, cour 2 dans l'après-midi de la première journée des examens, et ainsi de suite (voir tableau 2).

Cette solution présente plusieurs avantages distincts. D'abord impossible d'avoir un conflit d'horaire à l'examen sans avoir au préalable un conflit dans l'horaire de ses cours. Ensuite, l'étudiant le désirant peut se tailler un horaire d'examen sur mesure.

Tableau 2

Première Période d'enseignement	Date d'examen
Jour 1, cours 1	Jour 1, am.
Jour 1, cours 2	Jour 1, pm.
Jour 2, cours 3	Jour 2, am.
Jour 2, cours 4	Jour 2, pm.

En dernier lieu, nous aurons libérer une main d'oeuvre trop précieuse pour se pencher sur un problème aussi mesquin que celui de l'horaire des examens. Elle pourrait alors s'attaquer aux vrais problèmes qui sont de loin plus critique à l'excellence académique de notre faculté.

En sommes nous à la dernière fois où nous aurons à nous occuper de ce problème?

The Student Support Group Presents: ANOTHER EATING EVENT! Replete with coffee, danish, and stimulating conversation. Come discuss the voluntary moots with seasoned veterans. All first year students invited. Thursday, October 28th, 1:00 p.m. Common Room.

NOTE:

The Student Support Group will be available to answer questions related to the voluntary moot problems which will be handed out on Friday, November 5th, at 1 p.m. The SSG office, Rm. 53, Old Ch. Day Hall, will be open from 1 p.m. to 5 p.m. on Friday, Nov. 5th, and staff members will be on 24-hour call throughout the weekend of Nov. 6-7. The schedule and phone numbers will be published in Quid Novi next week and will be posted on the office door and the tutorial board.

Réflexions

L' HORAIRE DES EXAMENS

par Henri Pallard

L'horaire des examens de Noël vient de paraître. Nous nous devons de remercier les étudiants qui ont bien voulu travailler à cette tâche ingrate. Trop souvent les labours de ces bénévoles au niveau académique, sportif, administratif et social demeurent inconnus et inappréciés par la masse des étudiants. C'est toute fois cet esprit de volontariat et de sacrifice qui anime la vie étudiante quotidienne. Nous ne soupçonnons guère la montant de temps et de travail que ces volontaires y ont mis lorsque nous jouissons des bénéfices de leurs efforts.

Cependant, quant au comité chargé de fixer l'horaire des examens de Noël, nous devons nous demander pourquoi il nous a fallu attendre jusqu'au 25 octobre pour en prendre connaissance. Les formalités nécessaires pour voyager aux temps des fêtes doivent être accomplis longtemps d'avance non seulement pour bénéficier des meilleurs tarifs mais aussi pour être tout simplement en position de voyager à ce temps. Entreprendre de telles démarches fin-octobre début-novembre, c'est s'exposer déjà aux aléas de la disponibilité des places. Il nous semblerait que de telles contraintes auraient dû inciter le comité à se hâter à présenter le fruit de ses labours bien plus tôt qu'il ne l'a fait.

Répondre qu'il fallait attendre les rapports d'inscription définitive ainsi les rapports des présidents de classe avant de fixer les

dates ne fait que déplacer la question. Il ne faut pas se demander pourquoi le comité n'a-t-il pas prévu ce délai dans ses projections, mais se demander comment une telle situation peut-elle même se produire? Aurons-nous de nouveau à faire face à cette situation pour les examens de fin d'année? et encore Noël prochain?

Nous avons trop peu de bénévoles pour que nous puissions nous permettre de gaspiller leur temps à proposer des solutions d'occasion à des problèmes qui auraient dû être réglés définitivement lors de leur première apparition. Ces bénévoles sont une ressource trop peu abondante pour qu'ils soient utilisés pour colmater la brèche.

Une gestion saine et efficace viserait à régler ce problème d'horaire des examens une fois pour toute. Nous ne mettons pas en cause la manifeste bonne volonté des membres de ce comité mais nous demeurons troublés par le fait qu'ils n'ont pas su remettre le problème en situation et s'adresser à ce qui en est à son origine.

N'y aurait-il pas moyen de trouver autre chose que des solutions qui ne font que régler le problème immédiat, quitte à ce qu'il fasse de nouveau irruption d'ici quelques mois? Comment se fait-il que dans d'autres facultés les étudiants connaissent déjà au moment de leur pré-inscription leur horaire d'examen et que nous n'y parvenons pas? Ne pourrions-nous pas bénéficier aussi de ces mêmes avantages qui sont les fruits d'une bonne planification?

Nous nous bornerons à ne présenter une proposition qui a été soumise, à l'automne '81, au comité qui examinait alors ce même problème de l'horaire des examens. Cette solution a été adoptée il y a déjà plusieurs années par d'autres universités et, plus particulièrement, par d'autres facultés de droit lorsqu'elles furent confrontées au même problème que le nôtre.

Tableau 1

	Jour 1	Jour 2	etc.
8h	cours 1		
		cours 10	
9h	cours 2		
		cours 11	
10h	cours 3		
		cours 12	
11h	cours 4		
etc.			

Cette solution au problème de l'horaire des examens est intimement liée à la planification de l'horaire des cours. Elle prend comme point de départ l'idée que chaque cours comporte 3 heures d'enseignement par semaine. Il est enseigné à la même heure soit pour une durée d'une heure trois fois par semaine - le lundi, le mercredi, et le vendredi -- soit pour une durée d'une heure et demie deux fois par semaine -- le mardi et le jeudi (voir l'horaire peint au tableau 1). Les cours de quatre crédits nécessitant quatre heures d'enseignement par semaine occuperait deux modèles et pourraient s'enseigner deux fois une heure et demie plus une fois une heure ou quatre fois une heure.

Cont'd on p. 7